

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17567 of 2023

Arising Out of PS. Case No.-727 Year-2022 Thana- GAURICHAK District- Patna

Sikandar Pawan @ Sikandar Paswan S/O Vishnu Paswan @ Bishunu Paswan
R/O Village- Udaypur, P.S- Gaurichak, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 16.11.2022 in connection with Gaurichak P.S. Case No. 727 of 2022, F.I.R. dated 01.11.2022 registered for the offence punishable under Sections 147,149,341,323,379,307,504,506 of IPC.

The prosecution case, in short, is that on 14.09.2022 the informant's father was sitting at the door of his house in the meanwhile all accused persons having Danda, iron rod came to the house of the informant and assaulted the informant's father on his head with iron rod and as a result whereof informant's father sustained injury on his head and he fell down. They also assaulted the informant upon which he got injuries. They also



assaulted the other family members of the informant. They misbehaved with aunt of informant and snatched golden chain from her neck.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that it appears from the FIR that the date of occurrence as alleged in the FIR is 14.09.2022 but the present FIR has been instituted on 01.11.2022 after delay of more than one and half month without giving any explanation of delay. Further submits that from bare perusal of the FIR it transpires that there is no specific allegation of any assault or overt-act attributed against the petitioner rather the same is against co-accused persons and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 16.11.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Patna City in connection with Gaurichak P.S.



Case No. 727 of 2022, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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